

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AVIDYNE CORPORATION,

Plaintiff,

v.

L-3 COMMUNICATIONS AVIONICS
SYSTEMS, INC., f/k/a B.F. GOODRICH
AVIONICS SYSTEMS, INC.,

Defendant.

C.A. No. 05-11098 GAO

**MOTION TO IMPOUND MOTION TO COMPEL DEFENDANT TO REMOVE
“HIGHLY CONFIDENTIAL” DESIGNATION FROM EMAIL
COMMUNICATION AND EXHIBITS ATTACHED THERETO**

Contemporaneous with this *Motion to Impound*, Plaintiff Avidyne Corporation (“Avidyne”) is filing a *Motion to Compel Defendant to Remove “Highly Confidential” Designation from Email Communication and Supporting Memorandum of Law*. In that motion, Avidyne requests the Court to order L-3 to withdraw a confidential designation to an email produced by L-3 in this litigation. While Avidyne does not believe that L-3’s designation of this document is proper, the terms of the Stipulated Protective Order in this case require Avidyne to maintain the document “as originally designated until the Court makes a final ruling on the application.” See Stipulated Protective Order at ¶ 10, a copy of which is attached as Exhibit 2 to the *Motion to Compel*, filed contemporaneously herewith.

Because the email in question is attached as an exhibit to Avidyne’s *Motion to Compel*, and the text of the email in question is quoted and discussed in detail in Avidyne’s *Motion to Compel*, pursuant to the Stipulated Protective Order and L.R. 7.2,

Avidyne respectfully requests that this Court impound Avidyne's *Motion to Compel*, and the exhibits attached thereto, in its entirety.

Defendant L-3 Communications Avionics Systems, Inc. assents to Avidyne's request that the email and any documents that discuss it be impounded.

Accordingly, Avidyne requests that this Court grant this Motion to Impound, unless and until this Court orders L-3 to withdraw the confidential designation of the email that is the subject matter of the *Motion to Compel*.

Dated: September 29, 2006

/s/ Maia H. Harris

Jason C. Kravitz, BBO No. 565904

Maia H. Harris, BBO No. 648208

NIXON PEABODY LLP

100 Summer Street

Boston, MA 02110

Telephone: 617-345-1000

Fax: 617-345-1300

Attorneys for Plaintiff Avidyne
Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2006, I caused a true copy of the within document to be served via facsimile and U.S. Mail on:

Terence J. Linn
Van Dyke, Gardner, Linn & Burkhart, LLP
Suite 207
2851 Charlevoix Drive S.E.
Grand Rapids, MI 49588-8695

/s/ Maia H. Harris

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**MOTION TO COMPEL DEFENDANT TO REMOVE “HIGHLY
CONFIDENTIAL” DESIGNATION FROM EMAIL COMMUNICATION
AND SUPPORTING MEMORANDUM OF LAW**

FILED UNDER SEAL

Dated: September 29, 2006

/s/ Maia H. Harris

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Attorneys for Plaintiff Avidyne
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